

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 EDWARD SIALOI, et al.,

12 Plaintiffs,

13 v.

14 CITY OF SAN DIEGO, et al.,

15 Defendants.
16

Case No.: 11-CV-2280 JLS (KSC)

**ORDER REGARDING
SETTLEMENT MOTIONS**

(ECF Nos. 195, 196, 197)

17 Presently before the Court are the parties' motions to settle this case: (1) Joint
18 Motion for Entry of Judgment Awarding Costs and Fees to Plaintiffs, ("Judgment Mot.,"
19 ECF No. 195); Joint Motion to Take Plaintiffs' Motion for Attorney's Fees Off Calendar,
20 ("Fee Mot.," ECF No. 196); and (3) Joint Motion re Deposit of Funds for Minor Plaintiff
21 "T.R.S." and Authorization to Dismiss Minor's Appeal, ("Deposit Mot.," ECF No. 197).

22 The parties have reached a settlement in this case and stipulate to the following:
23

- 24 1. On December 15, 2016, the Court entered judgment on the jury verdict
25 in favor of September Sialoi in the amount of \$17,500, Sialoi Sialoi, Jr.
26 in the amount of \$17,500 and Edward Sialoi in the amount of \$115,000
27 [Doc. Number 165].
28

2. The parties are awaiting the final award of costs per cost bills submitted with the court.
3. Currently pending is Plaintiffs' Motion for Attorneys' Fees, scheduled for hearing before this Court on July 6, 2017 at 1:30 pm. Defendants' opposition to this motion is due on June 22, 2017, and Plaintiffs' reply to Defendants' opposition is due on June 29, 2017.
4. In addition to the aforementioned judgment in the aggregate amount of \$150,000, the Parties jointly stipulate and request judgment be entered in favor of Plaintiffs in the amount of \$12,000.00 (twelve thousand dollars) for costs and the amount of \$700,000.00 (seven hundred thousand dollars) for attorney's fees.
5. With this Court's approval of the proposed entry of judgment for fees and costs, the Parties request the Court deem Plaintiffs' motion for attorney's fees moot and otherwise taken off calendar. It is the intent of the parties to mutually dismiss appeals pending before the Ninth Circuit, subject to the Court's approval of said dismissal as to the only remaining minor plaintiff "T.R.S.".

(Judgment Mot. 1–2.) Good cause appearing, the Court **GRANTS** the parties' Joint Motion (ECF No. 195). Accordingly, in addition to the \$150,000 judgment already granted to Plaintiffs, judgment **SHALL** be entered in favor of Plaintiffs in the amount of \$12,000 for costs, and in the amount of \$700,000 for attorneys' fees. Given this stipulation of attorneys' fees, the Court **GRANTS** the parties' request to remove the pending motion for attorneys' fees from the Court's calendar, (*see* Fee Mot.), and more specifically **DENIES AS MOOT** Plaintiffs' currently pending motion for attorneys' fees (ECF No. 182).

Finally, the parties note that there is one remaining minor Plaintiff in this action, "T.R.S.", who was seven years old at the time of this incident and is now thirteen years old. (Deposit Mot. 1.) While the jury found against T.R.S., the parties jointly seek to provide \$5,000 to T.R.S., to be provided to T.R.S. in a blocked bank account for the benefit of T.R.S. as described in the attached declaration. (*Id.* at 1–2 (citing Marrinan Decl., ECF

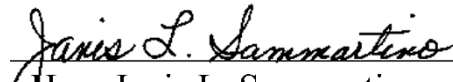
1 No. 197-1).) After a review of the declaration, and good cause appearing, the Court
2 **GRANTS** the parties' Joint Motion (ECF No. 197). Accordingly, the Court **ORDERS** as
3 follows:
4

- 5 1. The guardian ad litem for minor plaintiff T.R.S., Lago Sialoi, through
6 Plaintiffs' attorney, Michael R. Marrinan, shall deposit \$5,000.00 of the
7 funds paid by the City of San Diego in this matter into a blocked savings
8 account at a federally insured bank, for the benefit of T.R.S.;
- 9 2. No funds shall be released from this blocked account prior to the date
10 on which T.R.S. turns 18 years old without a court order; and,
- 11 3. The guardian ad litem for minor Plaintiff T.R.S., Lago Sialoi, and
12 Plaintiffs' attorney Michael R. Marrinan, are authorized to dismiss the
13 appeal filed on behalf of T.R.S. in this matter.

14 Given the Court's Order, the Court awaits the parties' dismissal of their pending
15 cross appeals to the Ninth Circuit as well as any final motions necessary to close this case.

16 **IT IS SO ORDERED.**

17 Dated: June 20, 2017


Hon. Janis L. Sammartino
United States District Judge